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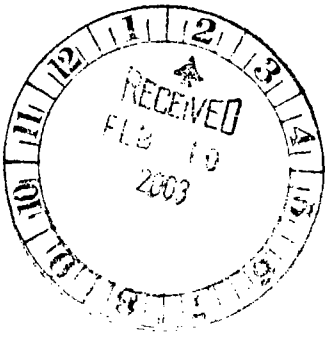

Thomas J. Krueger
Associate Regional Counsel
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Ellsworth Industrial Park Site

Dear Tom:

Thank you for your January 27 letter. The letter simply paraphrases the information in an email message you sent me on October 10, while, for reasons unknown to Molex, ignoring all of the information that Molex subsequently supplied at a meeting and in writing. The EPA's decision not to address this additional information in your January 27 letter is quite disconcerting to Molex as it has chosen, from the receipt of the General Notice letter to today, to take an open, constructive approach in dealing with the EPA regarding the Ellsworth Industrial Park. As your January 27 letter does not set forth any basis for Molex to believe that it has any liability for the contamination claimed to exist in the Ellsworth Industrial Park, Molex concludes that there does not exist a substantive basis for continuing to identify Molex as a responsible party at the site. It is important to reiterate the key points made in the additional information.

Molex explained that its plating operation was not "typical." Molex plated small parts with precious metals such as nickel and gold. Molex did not use chlorinated solvents for degreasing or for any other purpose in the plating process. Instead of a chlorinated solvent degreaser, Molex used a sodium hydroxide-based cleaner. All of the materials used in the plating operations at Molex were water soluble. Molex did not operate a "typical" plating operation. EPA's reliance on the pollution caused by typical plating operations is misplaced.

The anonymous witness report about an alleged plating spill is equally unconvincing. Based on the discussions at our meeting, it appeared that the reported time and location of the incident did not match Molex's operations. Plating operations never were located at the Katrine facility. They were only at the Walnut facility from the spring of 1988 until the end of 1992.

Molex personnel who are familiar with the history of the operations at the facilities are baffled by the report of a plating spill. According to them, nothing left the plating department unless it was in a sealed container. The only liquid removed from the plating department was plating bath which was sent to a refiner for recovery of precious metal. All of this material left the building from loading docks on the Walnut Street (west) side of the building. The value of

the precious metals in the plating bath prevented sloppy handling. More important, given the absence of chlorinated solvents in the Molex plating process, a plating spill would not have resulted in a release of TCE, TCA or PCE to the environment.

The absence of a plating spill also is demonstrated by the shallow groundwater monitoring wells that Molex sampled when the plating process operated. Molex put the wells in the locations where they would best serve as an early warning system of releases from the plating operations. No contaminants were detected by Molex in annual sampling during the period when the plating process operated or by EPA in sampling in connection with the site investigation. EPA has not provided any information suggesting that the shallow monitoring wells would not have detected the alleged spill or any other possible releases from the plating operations.

The shallow well data is consistent with the information from Molex personnel that chlorinated solvent releases did not occur. The fact that deeper wells in different locations would be useful to EPA's overall assessment of site conditions is not relevant to establishing CERCLA liability for Molex. Information about the existence or absence of releases of chlorinated solvents by Molex is relevant. All of the data and information points to the absence of such releases at the Molex properties. There is no CERCLA liability for failing to have sampling data from wells that do not exist.

The underground tank that Molex used and removed cannot create CERCLA liability for conditions at the site. Molex explained that the tank stored mineral spirits for use in facility operations. It was a product storage tank, not a waste storage tank. No reason exists to suspect that mineral spirits contributed to the conditions at the site. Even if releases of mineral spirits occurred, they do not create CERCLA liability because mineral spirits are covered by the petroleum exclusion. *www.epa.gov/superfund/programs/er/triggers/haztrigs/whatsub3.htm#36.*

Molex received a no further action determination from the state for the tank removal. This determination was based on appropriate soil sampling. The reason soil samples were not analyzed for VOCs is that VOCs are not the appropriate indicator of a mineral spirits release. There is no CERCLA liability for failing to conduct extraneous and unnecessary soil sampling in response to the release of a product covered by the petroleum exclusion.

Molex cannot participate in the group response to the special notice based on the current information about the use of chlorinated solvents by Molex. Molex used small quantities of TCA at the Walnut facility. TCA was not used at the Katrine facility. The small amounts of TCA used for maintenance work at the Walnut facility were purchased in spray cans at a hardware store. There are no legal grounds for holding a small quantity TCA user with no evidence of TCA releases legally responsible for site conditions.

The available sampling data strengthens this conclusion. None of the residential wells at the site have TCA in a concentration above 5 ppb. Drinking water with TCA is safe at concentrations of up to 200 ppb. There is not a single groundwater sample from residential wells or from monitoring wells inside Ellsworth Industrial Park that exceeds this standard. By contrast, several hundred residential wells have TCE or PCE concentrations above the applicable drinking water standards. Numerous samples from monitoring wells inside Ellsworth Industrial Park exceed the drinking water standard for TCE or PCE too.

Most of the exceedances of drinking water standards for TCE and PCE in residential wells occur below the eastern third of Ellsworth Industrial Park. Molex did not use either substance, and the Molex facilities are in the western part of the park. The Walnut facility is at the far western edge. All of the other responsible parties have connections to properties where TCE or PCE was used or detected in the site investigation, many of them in the eastern part of the park.

Because of the pending Lockformer litigation and the threat of litigation from the residents, EPA has a higher duty to apply the legal criteria for naming responsible parties fairly at this site than it does at a typical site. There is no fair way to apply the criteria for naming responsible parties that results in classifying a small quantity TCA user on the western edge of the park without any known chlorinated solvent releases as a party responsible for paying for municipal water connections for residents below the eastern part of the park who have high levels of TCE and PCE in their wells. Although CERCLA has a broad liability scheme, it cannot be stretched to make Molex liable with parties that have known releases of TCE or PCE in the eastern part of the park.

For all of these reasons, the conclusion is inescapable that Molex is not legally responsible for addressing the conditions at the Ellsworth Industrial Park. We trust that a thorough and conscientious review of the information cooperatively provided to the EPA by Molex will lead EPA to the same conclusion. Please call me if you have any questions.

Sincerely,

Charles T. Wehland

cc: Mazin Enwiya
Mark Gurnik
Kendra Pohn